

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

KATHLEEN BAIRD

VS.

CITY OF MELISSA

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CIVIL ACTION NO. 4:05cv408
(SCHNEIDER/BUSH)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the Report of the United States Magistrate Judge in this action, this matter having been heretofore referred to United States Magistrate Judge Don D. Bush pursuant to 28 U.S.C. § 636. On February 15, 2006, the Report of the Magistrate Judge was entered containing his proposed findings of fact and recommendations that Defendant's Motion to Dismiss be granted and that Plaintiff's Motion for Temporary Restraining Order be denied as moot.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the Court. It is, therefore,

ORDERED, ADJUDGED and DECREED that Defendant's Motion to Dismiss is **GRANTED** and the above titled and numbered cause of action is **DISMISSED WITH PREJUDICE**. It is further

ORDERED that Plaintiff's Motion for Temporary Restraining Order is **DENIED AS MOOT.**

SIGNED this 16th day of March, 2006.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE